

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1866

Introduced by Assembly Member Smyth

February 22, 2012

An act to ~~amend Section 41303 of~~ *add Section 44050* to the Education Code, relating to school ~~attendance~~ *employees*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1866, as amended, Smyth. ~~School attendance: statewide total average daily attendance. School employees: sex offenses: policy on parental notification.~~

Existing law requires the governing board of a school district to place a certificated or classified employee on a compulsory leave of absence in specified circumstances, including, among other circumstances, if the employee is charged by complaint, information, or indictment filed in a court of competent jurisdiction with the commission of a sex offense, as defined.

This bill would require the governing board of a school district to develop and adopt a policy to promptly notify the parents or guardians of the pupils of the school district if an employee of the school district has been placed on a leave of absence because the employee is being investigated for, or has been charged by complaint, information, or indictment filed in a court of competent jurisdiction with, committing a sex offense, as defined. The bill would require the governing board of the school district to consult with law enforcement agencies in developing this policy and would require the governing board of the school district to make the policy publicly available. By imposing

additional duties on the governing board of a school district, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law establishes the public elementary and secondary school system in this state, and further establishes a funding system pursuant to which the state apportions funds to local educational agencies based on, among other factors, the average daily attendance of pupils at the schools operated by those agencies. Existing law also requires the Superintendent of Public Instruction to report to the Controller, on or before October 20 of each year, the total average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, and adult schools in the state and to county school tuition funds.~~

~~This bill would make a technical, nonsubstantive change to the latter provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 44050 is added to the Education Code,*
- 2 *to read:*
- 3 *44050. (a) The governing board of a school district shall*
- 4 *develop and adopt a policy to promptly notify the parents or*
- 5 *guardians of the pupils of the school district if an employee of the*
- 6 *school district has been placed on a leave of absence because the*
- 7 *employee is being investigated for, or has been charged by*
- 8 *complaint, information, or indictment filed in a court of competent*
- 9 *jurisdiction with, committing a sex offense, as defined in Section*
- 10 *44010.*
- 11 *(b) The governing board of a school district shall consult with*
- 12 *law enforcement agencies in developing the policy described in*
- 13 *subdivision (a).*

1 (c) *The governing board of a school district shall make the*
2 *policy adopted pursuant to subdivision (a) publicly available.*

3 *SEC. 2. If the Commission on State Mandates determines that*
4 *this act contains costs mandated by the state, reimbursement to*
5 *local agencies and school districts for those costs shall be made*
6 *pursuant to Part 7 (commencing with Section 17500) of Division*
7 *4 of Title 2 of the Government Code.*

8 ~~SECTION 1. Section 41303 of the Education Code is amended~~
9 ~~to read:~~

10 ~~41303. The Superintendent shall report to the Controller, on~~
11 ~~or before the 20th day of October of each year, the total average~~
12 ~~daily attendance during the preceding fiscal year credited to all~~
13 ~~kindergarten, elementary, high school, and adult schools in the~~
14 ~~state and to county school tuition funds.~~